

Application No. 09/345,289
Attorney Docket No. 04MV1073

REMARKS

The Examiner rejected Claims 1-17 under 35 U.S.C. 102(a) as being anticipated by the document "XMI Opens Application Interchange" of Brodsky, dated 3/30/1999 (referred to as "Brodsky" hereinafter).

Applicant is submitting the accompanying "Declaration under 37 C.F.R. 1.131" to establish invention of the subject matter of the rejected claims prior to the effective date of the Brodsky reference on which the rejection is based.

Applicant, the sole named inventor of the above-identified application, was the first to introduce the concept of using UML, MOF and XML together to enable data interchange in a standardized way among software tools and repositories that may not be compliant to a common standard.

The relevant portions of the reference "XMI Metadata Interchange (XMI), Proposal to the OMG OA&DTF RFP 3: Stream-based Model Interchange Format (SMIF)" dated July 6, 1998, originated with Applicant. The reference "XMI" was written under Applicant's leadership, and was published less than one year prior to the filing date of the above-identified application. Relevant portions of the later revision of the XMI Proposal dated November 11, 1998 also originated with Applicant.

Prior to the 3/30/1999 date of the Brodsky reference, Applicant presented a short summary of the XMI concept at the OMG TC Meeting in Seattle, WA on September 16, 1998. The 9 slides of this 9/16/1998 presentation are contained in the attached document entitled "XML Metadata Interchange (XMI), Proposal to OA&DTF RFP-3, Stream Based Model Interchange Format (SMIF)". This document is available on the Web at the following website: http://www.jeckle.de/files/xmi_seattle.pdf. As stated in the Declaration under 37 CFR 1.131, Applicant is the main author of this document. In particular, Applicant is the sole author of the material shown on page 5 of this 9/16/1998 document. Page 5 of this 9/16/1998 discloses the subject matter of the rejected claims.

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After contributing to the later revision of the XMI Proposal dated November 11, 1998, Applicant presented a detailed description of the XMI concept including a description of its implementation and proof of concept at the OMG Meta-Data Conference in Atlantic City, April 19-22, 1999. The 38 slides of this presentation are attached herewith. These slides are available at the official OMG website as document omg/99-04-04:

<http://www.omg.org/cgi-bin/doc?omg/99-04-04> .

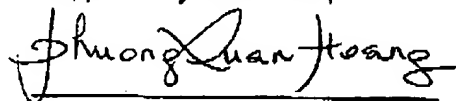
Applicant respectfully submits that the facts that the relevant portions of the XMI proposal dated July 6, 1998 originated with Applicant, that Applicant is the main author of the attached 9/16/1998 document (9 pages) and sole author of the material on page 5 of this 9/16/1998 document, and that Applicant is the sole author of the attached 4/19/1999 (38 pages), are sufficient to establish conception of the invention prior to the effective date of the Brodsky reference (3/30/1999) coupled with due diligence from prior to said date to a subsequent reduction to practice.

Applicant respectfully requests that the rejections of Claims 1-17 be withdrawn. Allowance of Claims 1-17 at an early date is solicited.

If there are any fees due as a result of this amendment, please charge the fees to Deposit Account No. 19-3790.

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Respectfully submitted,



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